



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

March 26, 2002

RECEIVED

MAR 26 2002 *Frank*

MUNICIPAL CLERK

Council President Cathy Woolard
Members of the Atlanta City Council
City Hall 2nd Floor Suite 2900
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear President Woolard and Members of Council:

On March 18, 2002 the Atlanta City Council adopted Ordinance # **02-O-0468** that proposes to require the sunset of all resolutions and ordinances authorizing contracts, contract renewals, and notices to proceed on the 91st day after the date of approval.

The Law Department has advised me that Ordinance # **02-O-0468** as adopted, may create major legal difficulties for the City of Atlanta. A selected/notified contractor may have strong legal recourse against the City if the unexecuted contract is voided on the 91st day after approval.

Ordinance # **02-O-0469**, as adopted, proposes to require the Purchasing Agent to develop a complete list of all contracts that have expired, no later than 90 days from date of approval. Furthermore, Section 3 in this legislation indicates that all contracts expired more than 60 calendar days from the approval of # **02-O-0469** shall be re-bid.

While the timetables required by these ordinances are unattainable at this time, I will provide the City Council with a list of expired contracts, by departments, along with a corrective action plan By May 1, 2002. Forcing immediate implementation may interrupt vital services to the public.

I urge you to award the contract (Resolution #02-R-0498) to Thompson, Cobb, Bazilio & Associates for the purpose of conducting a thorough review and redesign of the entire procurement process and to guide us forward in a comprehensive manner.

Based on these factors, and my commitment to work with the City Council to redesign government operations, specifically the procurement process, I urge you to sustain my vetoes of Ordinances # **02-O-0468** and # **02-O-0469**.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Franklin". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Shirley Franklin



**CITY COUNCIL
ATLANTA, GEORGIA**

02-O-0468

**AN ORDINANCE BY
COUNCILMEMBERS FELICIA A. MOORE AND H. LAMAR WILLIS**

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AMENDING DIVISION 4 OF THE CODE OF ORDINANCES SO AS TO REQUIRE THE SUNSET OF ALL RESOLUTIONS AND ORDINANCES AUTHORIZING CONTRACTS, CONTRACT RENEWALS AND NOTICES TO PROCEED ON THE 91ST CALENDAR DAY AFTER THE DATE OF APPROVAL; PROVIDING FOR RECONSIDERATION OF SAID RESOLUTIONS AND ORDINANCES AND REAUTHORIZATION BY COUNCIL; REQUIRING LANGUAGE THAT SHALL BE ADDED TO ALL AUTHORIZING RESOLUTIONS AND ORDINANCES AND BID DOCUMENTS; AND FOR OTHER PURPOSES.

Whereas, it has been a practice in the city that contracts (contract renewals and notices to proceed) authorized by council are not being executed in a timely manner, and

Whereas, this practice has hampered the council's ability to fulfill its oversight role in tracking the authorization and execution of contracts; and

Whereas, this practice may allow previously authorized contracts to continue performing under their original agreements, after the council has authorized a new contract that is in the best interest of the city; and

Whereas, a delay in the execution of a contract (contract renewal or notice to proceed) may cause harm to those who have been granted said authorization; and

Whereas, The council shall establish policy to provide for the timely execution of contracts that have been authorized.

THEREFORE, IT IS HEREBY ORDAINED BY THE ATLANTA CITY COUNCIL:

Section 1. That a new section be added to Division 4 Source Selection and Contract Formation to read:

"Section 2-1207 Contract Renewals and Notices to Proceed

1. All resolutions and ordinances authorizing contracts (contract renewals or notices to proceed) shall sunset on the 91st calendar day after the date of approval.



- a.) All contracts (contract renewals or notices to proceed) shall be executed, with all required signatures, on or before 90 calendar days from approval of the resolution or ordinance granting such authorization.
 - b.) Any contract (contract renewal or notice to proceed) executed after 90 calendar days from approval of the authorizing resolution or ordinance, shall require reauthorization by the Council.
 - c.) The mayor or her/his designee may resubmit a contract (contract renewal or notice proceed) that has not been executed by the 90th calendar day from its approval, for reconsideration and reauthorization of council.
 - d.) The mayor or her/his designee shall submit any contract modifications and justification as to the delay of the contract's (contract renewal or notice to proceed) execution to the council for consideration.
 - e.) The council may reauthorize said contract, or take other appropriate action, on a case-by-case basis.
2. All resolutions and ordinances granting authorization to enter into a contract (contract renewal or notice to proceed) shall contain a Section that states:
- "This resolution (or ordinance) granting authorization to enter into a contract (contract renewal or notice to proceed) shall sunset on the 91st calendar day after the date of approval. No contract (contract renewal or notice to proceed) shall be executed after 90 calendar days from the approval of this resolution (ordinance). Any contract (contract renewal or notice to proceed) that is executed after 90 calendar days from the approval of this resolution or (ordinance) shall require reauthorization by the Council."
3. The purchasing agent shall include in all bid documents and request for qualification and proposals, the following language:
- "The council shall grant authorization to enter into a contract (contract renewal or notice to proceed). The resolution or ordinance granting said authorization shall sunset on the 91st calendar day after its approval. No contract (contract renewal or notice to proceed) shall be executed after 90 calendar days from the approval of the authorizing resolution or ordinance. Any contract (or notice to proceed) executed more than 90 calendar days from the approval of said resolution or ordinance, shall require reauthorization by the Council."

Section 2: That the present 2-1207 and subsequent sections shall be re-numbered accordingly.

Section 3: That all ordinances or parts of ordinances, in conflict, are hereby repealed.

RCS# 3588
3/18/02
1:49 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs 1-13; Except 02-O-0167

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
B Young	Y Shook	NV Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT I

02-0-0468

(Do Not Write Above This Line)

AN ORDINANCE BY *Felicia A. Moore*
COUNCILMEMBERS *Felicia A. Moore*
AND H. LAMAR WILLIS *H. Lamar Willis*

AN ORDINANCE AMENDING DIVISION 4
OF THE CODE OF ORDINANCES SO AS
TO REQUIRE THE SUNSET OF ALL
RESOLUTIONS AUTHORIZING
CONTRACTS, CONTRACT RENEWALS
AND NOTICES TO PROCEED ON THE
61ST CALENDAR DAY AFTER THE
DATE OF ADOPTION; PROVIDING FOR
RECONSIDERATION OF SAID
RESOLUTIONS AND
REAUTHORIZATION BY COUNCIL;
REQUIRING LANGUAGE THAT SHALL
BE ADDED TO ALL AUTHORIZING
RESOLUTIONS AND BID DOCUMENTS;
AND FOR OTHER PURPOSES.

SUBSTITUTE

ADOPTED BY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

MAR 18 2002

COUNCIL

Date Referred 03/04/02

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee *FIN 2-7-ec*
 Date *3-13-02*
 Chair *[Signature]*
 Action: *[Signature]*
 Fav, Adv, Hold (see rev. side)
 Other: *AS Subst: taken*
 Members *[Signature]*
[Signature]
[Signature]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
 Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
 MAR 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Worland

CERTIFIED
 MAR 18 2002

Rachel Douglas Johnson
 MUNICIPAL CLERK

VETO
 MAYOR'S ACTION

MAR 26 2002

Harley Franklin